

Serial No. 10/809,684  
Amendment dated August 18, 2008  
Reply to Office Action of July 11, 2008

Docket No. LT-0055

**REMARKS/ARGUMENTS**

Claims 6, 8, 13-15, 17, 20-24, and 27-30 are pending. By this Amendment, claims 6 and 14 are amended, and claims 1, 3-4, and 11-12 are canceled without prejudice or disclaimer. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Examiner is thanked for the indication that claims 20-24 and 27-30 are allowed, and that claim 12 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. The allowable features of claim 12 have been added to independent claim 6. Accordingly, claim 6 should be in condition for allowance, along with claims 8, and 13, which depend therefrom. Similar features have been added to independent claim 14. Thus, claim 14 should be in condition for allowance, along with claims 15 and 17, which depend therefrom.

The Office Action rejected claims 1, 3-4, 6, 8, and 11 under 35 U.S.C. §102(b) as being anticipated by Replay Gain, and rejected claims 13-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Replay Gain in view of screenshots taken from Winamp V2.6. Claims 1, 3-4, and 11 have been canceled. Further, the rejections of claims 6, 8, 13-15, and 17 are moot in view of the amendments discussed above.

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### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



Carol L. Druzbeck  
Registration No. 40,287

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3777 CLD:tlg

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**Please direct all correspondence to Customer Number 34610**